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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

LAURA VANCE,

Plaintiff,

vs.

MARK T. CASE, and JANE DOE
CASE, husband and wife; SUTTELL &
HAMMER, P.S., SUTTELL &
ASSOCIATES, P.S., CAITLIN R.
FINLEY and JOHN DOE FINLEY,
wife and husband, and MALISA L.
GURULE and JOHN DOE GURULE,
wife and husband,

Defendants.

Case No.: CV-10-036-LRS

DECLARATION OF MICHAEL
VANCE IN SUPPORT OF
SUMMARY JUDGMENT

I, Michael Vance, declare under penalty of perjury, as provided for by the
laws of the United States, 28 U.S.C. § 1746, that the following statements are true:

DECLARATION OF MICHAEL
VANCE IN SUPPORT OF
SUMMARY JUDGMENT -1-

MICHAEL D. KINKLEY P.S.
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1. I am Plaintiff Laura Vance's husband.
2. In July of 2008, my wife and I became aware of an HSBC Default Judgment entered against my wife when the Defendants attempted to garnish her wages.
3. In response to the garnishment, on August 4, 2008, my wife and I called Suttell & Associates, P.S. for payment instruction to pay the judgment in full. We spoke with Defendant Malisa Gurule. Ms. Gurule provided us with an address and instructed us to mail a cashier's check in the amount of \$3,610.57, the full amount of the judgment, payable to Suttell & Associates, P.S.
4. On August 20, 2008, I cashed out my pension and obtained a Numerica Credit Union cashier's check in the amount of \$3,610.57 payable to Suttell & Associates, P.S. "garnishment payoff."
5. On August 20, 2008, my wife and I copied the front page of the garnishment paperwork she received.
6. On August 20, 2008, my wife and I mailed the "garnishment payoff" check and the copy of the front page of the garnishment paperwork to the Suttell & Associates, P.S. address provided by Defendant Malisa Gurule.
7. The envelope containing the check and a copy of the garnishment paperwork, listed my wife's name and address as the return address.

1 8. In October of 2008, my wife and I received more garnishment paperwork.

2 9. In response to the October 2008 garnishment paperwork, I called Suttell &
3 Associates, P.S. to remind them the judgment had already been paid and to
4 stop the garnishment.
5

6 10. In December of 2008, I discovered the judgment was still being reported as
7 unsatisfied.
8

9 11. On December 8, 2008 spoke with Defendant Mark Case. I told Mr. Case to
10 release the garnishment since the judgment was paid in full. Mr. Case
11 instructed me to fax him proof of the payment.
12

13 12. Later on December 8, 2008, I faxed Mark Case a photocopy of the cashier's
14 check with a handwritten annotation "attn.: Mark Case."

15 13. On December 9, 2008, Mr. Case left me the following voicemail message:
16 "Mr. Vance, Mark Case with Suttell and Associates returning your phone
17 call, please give me a call back 425-455-8220. I'm at extension 108. If I do
18 not answer your call, please leave your wife's first name as well because I
19 believe that was the account this was under. We did find your payment...
20 um, it looks like it applied to an account under your name it provided for
21 settlement on that account but I'm not sure what happened with the other
22 one. Again 425-455-8220."
23
24
25

1 14.Sometime in March of 2009, my wife was served with an order to appear in
2 court for supplemental collection proceedings regarding the HSBC
3 judgment.
4

5 15.On April 2, 2009, my wife and I went to Court for the supplemental
6 proceedings. I met Mr. Case in the courthouse hallway. I told Mr. Case that
7 the judgment was paid in full by cashier's check in August. I reminded Mr.
8 Case that I faxed him proof of payment on December 8, 2008. Mr. Case told
9 us he would look into the matter when he got back to his office. Mr. Case
10 told us we could leave that day because of some problem with the service of
11 the supplemental proceeding order.
12
13

14 16.In October of 2009, my wife was served with a second order to appear for
15 supplemental collection proceedings.
16

17 17.On November 12, 2009, my wife and I went to court for the supplemental
18 proceedings this time represented by counsel.
19

20 18.My attorney requested a hearing to determine if the elements of 50.12.070
21 were met. Mr. Case objected to the hearing. The court declined to hold a
22 hearing on that date and continued the matter to November 18, 1009.
23

24 19.On November 18, 2009, I again appeared in court with my wife for the
25 rescheduled supplemental proceeding. The Court determined the judgment

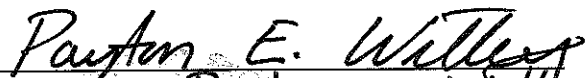
1 was paid and therefore the statutory requirements for supplemental
2 proceedings were not met.

3
4 Signed in Spokane, Washington, Dated this the 9th day of August, 2011.

5
6 
7 Michael Vance

8
9
10
11 SUBSCRIBED AND SWORN to before me this 9th day of August
12 2011.




Print Name: Payton E. Wittry
Notary Public in and for the State of
Washington, Residing at Spokane
My Appointment Expires: 11/30/14

CM/ECF CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of August, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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s/Scott M. Kinkley

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